IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1404 of 2004

DATE OF DECISION : 01.09.2006

Dhanwant Singh

.... PETITIONER

Versus

Ajit Singh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

* * *

Petitioner Dhanwant Singh, on whose statement FIR No. 55 dated 21.3.1998 under Sections 448/427/148/149 IPC was registered at Police Station Sarabha Nagar, Ludhiana, has filed this revision petition against the judgment dated 28.7.2003, passed by Judicial Magistrate Ist Class, Ludhiana, whereby Ajit Singh and his wife Jaswinder Kaur (respondents No.1 and 2 herein), who were accused in the aforesaid FIR, have been acquitted of the charges, framed against them.

2. The State of Punjab has not filed any appeal against the impugned judgment of acquittal.

3. I have heard counsel for the petitioner and gone through the impugned judgment.

4. In this case, Surinder Pal Singh-son of the complainant was a tenant in the shop of the accused Ajit Singh. In the FIR, it was alleged that both the accused along with some other persons entered into the shop of the son of the complainant and threw some of the articles, as a result of which plastic and iron pipes were broken.

5. After completion of the investigation, challan was filed and the accused were charged under Section 427/448 IPC. The trial court, after taking into consideration the evidence led by the prosecution, came to the conclusion that not an iota of evidence was led by the prosecution to prove

any damage to the property of the complainant to the tune of more than Rs.50/-, alleged to have been caused by the accused on the day of the alleged occurrence. Thus, it was held that charge under Section 427 IPC was not proved. Regarding the offence under Section 448 IPC, it was held that the accused being landlord were having right to enter into rented premises for inspection. Therefore, it has not been proved by the prosecution that there was any criminal intention in the mind of the accused, when they entered into the shop of the son of the complainant.

6. After hearing counsel for the petitioner and going through the impugned judgment, keeping in view the fact that the alleged occurrence took place in the year 1998 and no appeal has been filed by the State of Punjab, I do not find any ground to interfere in the impugned judgment of acquittal.

7. Dismissed.

September 01, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**